IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NOS : 14777, 14740,13634 & 13625 OF 2003

W.P.1477 OF 2003

Between:

CH. KRISHNA MOHAN,S/O. GANGARAJU
R/O. D.NO.7-30, Vedurupaka(Post), Rayavaram Mandal, E.G. Dist.

..... PETITIONER

AND

1 Andhra Pradesh State Road Transport Corporation, rep by its Chairman and Managing Director,RTC X Roads, Hyderabad.
2 The Depot Manager, A.P. State Road Transport Corporation, Rajamundry Region
E.G. Dist.

.....RESPONDENTS

W.P.No.14740 of 2003

G.Veera Venkata Ramana, S/o Gangaraju, R/o Water Tank Street, Pasivedala Post, Kovvur Mandal, W.G.District…..Petitioner

Vs.

1. Andhra Pradesh State Road Transport Corporation, rep. By its Chairman & Managing Director, R.T.C. X roads, HYDERABAD.

2. The Depot Manager, A.P.S.R.T.C., Rajahmundry Region, E.G.District.
……. Respondents.

W.P.No.13634 of 2003:

M.V.Ch.R.S.S.Sundar, S/o. Kameswara Rao, R/o. D.No.66-10-32/31, House of P.S.N.Murthy, S.Atchutapuram, Kakinada, E.G.District.

…. …. ….Petitioner

Vs.

1. Andhra Pradesh State Road Transport Corporation, rep. By its Chairman & Managing Director, R.T.C. X Roads, Hyderabad

2. The Depot manager, Andhra Pradesh State Road Transport Corporation, Rajahmundry Region, East Godavari District.

…….Respondents

W.P.No.13625 of 2003:

J.Venkateswara Rao, S/o. Suryanarayana, R/o. Pulimeru Post, Redapuram Mandal, E.G.District

…Petitioner

Vs.

1. Andhra Pradesh State Road Transport Corporation, rep by its Chairman & managing Director, R.T.C.Cross Roads, Hyderabad

2. The Depot Manager, Andhra Pradesh State Road Transport Corporation, Rajahmundry Region, East Godavari District.

……Respondents.

The Writ Petitions under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus(i) declaring the orders passed in proceedings No. E6/255(14)/2001-rM/RJY dated 30-10-2001/24-10-2001 and consequential proceedings No.E66849(10)/02 RM/RJY dated 20-8-2002 as arbitrary, illegal, discriminatory and violative of Articles 14 and 16 of the Constitution of India and violative of principles of natural justice and set aside the same orders(ii) to direct the Respondents to restore the petitioner's name in the panel of conductor in the immediate vacancies as per Notification dated 9-11-1999 and (iv) and pass appropriate orders.

Counsel for the Petitioner:MR.E.MADAN MOHAN RAO

Counsel for the Respondents: Y.Vivekanandaswamy

The Court made the following :

O R D E R:

As the issue involved in this batch of writ petitions is one and the same, they are being disposed of by a common order.

The grievance of the petitioners is that by the impugned proceedings of different dates, their names were deleted by the Corporation from the panel of Selection List on the ground that they failed to attend duties during the strike period. It is also the case of the petitioners that as they are not aware of the paper publication issued by the Corporation during the strike period calling upon the petitioners to attend duties, they did not respond to it.

Admittedly, the petitioners who were temporarily selected as Conductors by the properly constituted committee of the Corporation were listed in the select list and kept in the panel to give regular appointment as and when regular vacancies arise, but without issuing any notice, their services were terminated for not attending to duty during the strike period. A Division Bench of the Supreme Court decided the similar issue in S.GOVINDARAJU VS. K.S.R.T.C. and held that when once a candidate is selected and his name is included in the select list for appointment in accordance with the Regulations, he gets a right to be considered for appointment as and when vacancy arises. On the removal of his name from the select list serious consequences entail as he forfeits his right to employment in future. In such a situation even though the Regulations do not stipulate for affording any opportunity to the employee, the principles of natural justice would be attracted and the employee would be entitled to an opportunity of explanation, though no elaborate

enquiry would be necessary.

From the above decision of the Supreme Court it is seen that before the services of the employee are terminated, resulting into forfeiture of his right to be considered for employment, an opportunity of explanation must be afforded to the employee concerned. Admittedly, the petitioner was not afforded any opportunity of explanation before issuing the impugned order. In such circumstances, the impugned order rendered is null and void being inconsistent with the principles of natural justice.

In view of the above, the impugned orders are set aside and the writ petitions are allowed directing the respondents to restore the names of the petitioners in the select list of panel of Conductors and also consider their cases for regularization of their services. No costs.

17.08.2004

tjs

…..REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Andhra Pradesh State Road Transport Corporation, rep. By its Chairman and Managing Director, R.T.C. x Roads, Hyderabad
2. The Depot Manager, Andhra Pradesh State Road Transport Corporation, Rajahmundry Region, East Godavari District.
3. 2 C.D.Copies.

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